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COMMITTEE ON THE RIGHTS OF THE CHILD

Fourteenth session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)*
OF THE 356th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 14 January 1997, at 3 p.m.

Chairperson: Mrs. BELEMBAOGO

CONTENTS

CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Initial report of Panama (continued)

* No summary record was prepared for the second part (closed) of the meeting.

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GE.97-15088 (E)

The meeting was called to order at 3 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Panama (continued) (HRI/CORE/1/Add.14/Rev.1; CRC/C/8/Add.28; CRC/C/Q/PAN.1 (list of issues); written replies by the Government of Panama with no document symbol, in Spanish)

1. At the invitation of the Chairperson, the delegation of Panama resumed its place at the Committee table.

2. Mr. MOMBESHORA said that the figures given in paragraph 12 of the core document (HRI/CORE/1/Add.14/Rev.1) seemed to indicate that the family planning services were ineffective. He would like to know, therefore, whether family planning was accepted by fertile men and women and whether the services encountered any obstacles, for example, of a religious nature.

3. Paragraph 14 of the core document stated that AIDS had increased gradually. He wondered whether there were any statistics available on the prevalence of AIDS and its modes of transmission. He presumed that all the health centres were properly equipped to deal with all the cases of AIDS that occurred. Malaria had also been mentioned as a problem, and he asked whether it was a more serious one than AIDS in terms of morbidity and mortality.

4. The initial report stated that Panama had private and public health systems (CRC/C/8/Add.28, para. 118) but it gave no comparative figures. He would like to be told what percentage of the population was covered by each system and whether one had any advantages over the other.

5. Paragraph 138 of the report contained a list of programmes for the implementation of article 24 of the Convention but without any details. He asked whether the programmes were already in place and whether any problems had been encountered.

6. Nutrition was a vital issue and, while measures designed to provide short-term relief for target groups had been mentioned, it was unclear whether there was a long-term strategy. He would welcome information about the recipients of the Food Aid Programme and how they were selected and whether they received distributions of food or cash to purchase food.

7. The CHAIRPERSON invited the delegation of Panama to reply to the questions put by Mr. Mombeshora and the other questions that had not previously been answered.

8. Mrs. GRAHAM DE SAMPSON (Panama) said that the United States military bases had certainly had a considerable impact on the prevalence of prostitution, but they were scheduled to close in the year 2000. The free zones closed at 6 p.m., and thus did not contribute to the prostitution problem. The Penal Code provided penalties for crimes connected with child prostitution, particularly "the corruption of minors".

9. She did not have available the precise figures for the budgetary allocations for education and health, but they represented a large proportion

of social expenditure. She did have disaggregated figures for the birth and child-mortality rates, figures that were used in the planning of short- and long-term education and health programmes.

10. The high incidence of child labour was a worrying phenomenon. There was great resistance to the termination of child labour in rural areas, where it made an important contribution to the family budget, despite considerable efforts over the years to change the firmly established social attitudes and ensure that children did not drop out from education. A national committee was being established to promote and monitor the activities of the International Programme on the Elimination of Child Labour (IPEC). The Ministry of Labour and Social Welfare had also established special units to supervise enterprises and ensure that the child labour legislation was enforced.

11. Panama's family planning services were run by the Ministry of Health in centres throughout the country which were manned by trained personnel. Services were also provided by a non-governmental organization (NGO) named "Aplafa". Family planning programmes had been in operation for many years and were widely accepted, but required strengthening in rural areas to overcome traditional attitudes.

12. The health centres did keep records and produce statistics on AIDS, which could be submitted to the Committee in writing. Malaria had, in the past, been a serious problem but had since been virtually eradicated. The malaria statistics could also be sent to the Committee.

13. The public health system was much more broadly based than the private one: it operated throughout the country, including the most remote areas. In addition to establishing the health centres, the Government had made considerable efforts to persuade the people to use them. "Medical tours" were also carried out by interdisciplinary teams to teach the people about the importance of caring for their health. Special efforts were being made to improve the health of the indigenous peoples, who lived mainly in rural areas.

14. Mrs. AROSEMENA DE TROITIÑO (Panama) said that children in need of protection were institutionalized only when no suitable alternative arrangements, such as foster homes, could be made. The law stipulated that institutionalization should be the last resort, and the situation of such children was regularly reviewed by a juvenile judge.

15. Detention was the last resort in the case of children in conflict with the law. The detention figure given at the previous meeting included a large number of children detained for just a day or two. Children in need of protection were housed in different institutions from children in conflict with the law. When juvenile offenders reached the age of majority at 18 years, the sentence imposed by the juvenile court was officially terminated. If they were to remain in detention they were transferred to special institutions, still under the supervision of the juvenile justice system.

16. The CHAIRPERSON invited the members of the Committee to state their conclusions concerning the discussion with the delegation of Panama.

17. Mrs. SANTOS PAIS said that, first of all, there was an urgent need for a revision of the law and enactment of a children's code, without the pejorative term "minors". There was also a need for vertical and horizontal coordination among institutions and for a specific body to be established as the focal point for consideration of children's affairs. It would be useful to have an institution concerned specifically with the collection of data on children to be used as the basis for policy-making and assessment of progress. The United Nations Children's Fund (UNICEF) could help in such an undertaking.

18. Information and education activities concerning the rights of children must continue in order to change traditional paternalist attitudes. UNICEF and, perhaps, the Centre for Human Rights and NGOs could provide assistance.

19. Panama should devote more attention to the principles of the Convention. The principle of non-discrimination could be used to persuade parliament to review the minimum age for marriage, which discriminated against girls. The best interests of the child could be cited as grounds for prohibiting the use of corporal punishment by parents, raising the age of employment of children in domestic work and agriculture, and establishing a minimum age for criminal liability.

20. A thorough reform of the juvenile justice system and legislation was required. Neighbouring Latin American countries could offer Panama some excellent models. It was important that children in need of protection should not be stigmatized by contact with the juvenile justice system. Cooperation with ILO in the matter of child labour was essential if Panama's child labour regulations were to be brought into line with article 32 of the Convention and if attitudes to child labour were to be changed.

21. The next periodic report of Panama was due in 1998. She hoped that it would show that the Committee's recommendations had been carried out and also reflect the current situation in Panama - something which the initial report had failed to do.

22. Mr. HAMMARBERG said that Panama appeared to be at a stage when it should take stock of the situation, particularly in two areas: economic and social disparities and education. Given the many persistent problems, it was necessary to assess whether the programmes and reforms were having the expected impact.

23. Some confusion had crept into the final stage of the discussion on violence: protection against depictions of violence in the media (art. 17 (e)) and protection of children from violence and abuse (art. 19) were, of course, entirely separate issues. The purpose of his question had been to obtain reassurance that the distinction drawn in the Family Code between correction and abuse would not result in a toleration of physical punishment amounting to abuse.

24. On the issue of refugees, it was important to allow refugees and asylum-seekers to state their cases in accordance with the procedure established by the United Nations High Commissioner for Refugees (UNHCR) and to ensure that interview techniques and provisions on family reunification complied with international standards.

25. Mrs. SARDENBERG said that, despite a poor start to the discussions, attributable to the fact that the initial report submitted was obsolete, the delegation of Panama had shown a commendable readiness to cooperate with the Committee and a number of positive features had emerged. Nevertheless, the overall picture was one of alarming disparities, poverty and authoritarian traditions, and it was not clear that the Government was genuinely committed to improving the situation.

26. In the first place, the rights of the child should be made an integral part of the development plans to which so much reference had been made. Secondly, the Convention should be seen, not just as an instrument for improving the practical situation on the ground, but also as a means of changing attitudes. Thirdly, the UNICEF national plan offered Panama many opportunities for achieving its goals, but the pace of change must be quickened in the areas of education and health. Lastly, she would like to have received a reply to her specific question concerning police raids and curfews.

27. Mrs. EUFEMIO said that gaps in the implementation of the Convention should form the basis for specific programmes to target problem areas in Panamanian society, formulated with the fullest possible participation at the grass-roots level. The indicators provided should include the areas of civil rights and freedoms and the family environment. It should be borne in mind that children's emotional and psychological ages were likely to deviate from their actual ages. Steps must be taken to reduce the incidence of single-parent families, as the situation of children born of unstable short-term relationships could not but be precarious.

28. Mrs. KARP urged the Panamanian authorities to promote the application of those parts of the Convention referring to participation and hearing the views of the child. Legislation should be introduced to criminalize the clients of child prostitutes, as called for by the World Congress against Commercial Sexual Exploitation of Children. The legislation banning abortion in all circumstances should be reconsidered in view of the conflict between children's right to survival and the constraints imposed by early parenthood.

29. Mr. KOLOSOV said that the Panamanian authorities should consider the possibility of acceding to other international instruments relating to children, such as the 1993 Hague Convention on the Protection of Children and Cooperation in respect to Inter-Country Adoption, the International Labour Organization (ILO) Minimum Age Convention, 1973 (No. 138), the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty and the Beijing Rules and Riyadh Guidelines, as well as the Convention on the Reduction of Statelessness.

30. The CHAIRPERSON said that the Committee's conclusions and recommendations would be finalized and transmitted in writing to the Government of Panama. She asked the delegation whether it had any concluding remarks to make.

31. Mrs. GRAHAM DE SAMPSON (Panama) assured the members of the Committee that her Government would take note of their recommendations and offers of assistance and would ensure that rapid progress was made in filling the gaps

that still existed in domestic legislation regarding the rights of the child. Her Government was fully aware of the need for an autonomous, specialized structure exclusively devoted to the issue of the child. The ongoing national debate on the need for specialized legislation was based on an awareness that the Family Code did not provide the necessary conditions for full implementation of the Convention's principles.

32. Mrs. AROSEMENA DE TROITIÑO (Panama) said that there was widespread recognition on the part of the authorities and in all sectors of society in Panama that police raids and curfews were inappropriate to deal with social problems, and that authoritarian decrees were unconstitutional and illegal.

33. Her delegation would welcome further information on specific measures taken by other countries to protect the rights of the child. She assured the Committee that the Panamanian authorities would continue to make every effort to close the remaining gaps in the application of the Convention.

34. The CHAIRPERSON said that the Committee was ready to provide the Government of Panama with any additional information it might request under article 45 of the Convention. The Centre for Human Rights had a data bank on the Committee's activities, which could be accessed through the Internet. She hoped that the Government would initiate immediately the process of evaluation requested by the Committee, and that its first periodic report would reflect further progress in the promotion of the rights of the child.

The public part of the meeting rose at 4.10 p.m.